

## THE ACQUISITION OF NATURAL AREAS IN HAWAI'I

Kimo Tabor  
The Nature Conservancy  
Honolulu, Hawaii

The Nature Conservancy's acquisition policy in Hawai'i has been shaped by several factors.

Expert advice from knowledgeable individuals who know Hawai'i's uniqueness in specific areas of biological importance is critical to selection of natural areas, a process which is exceedingly intricate. It is desirable to acquire a piece of property of viable ecological significance after the financial and legal tangles are resolved.

Acquisition of a general type of system rather than a specific type of biota was the primary consideration in the acquisition of Maulua Nui. Once the preliminary selection was made from some 40 alternatives, a party of three people did a brief field reconnaissance of the property. Steven Montgomery, for many years scientific assistant to the Natural Area Reserve Systems Commission, and James Jacobi, a botanist and student of Dr. D. Mueller-Dombois with wide experience on the island of Hawai'i, provided a quick scientific assessment of the Maulua property during a three-day field trip in early January 1977 (covering a distance of 11 miles, or 18.2 km).

The location of Maulua Nui on the slope of Mauna Kea provides a classic Hawaiian ahupua'a land form. It faces northeast against the tradewinds, from sea level to an elevation (at the boundary) 1 mile high on Hawai'i's highest mountain, on the State's largest land mass, the island of Hawai'i. This area is accessible to birds and seeds from the North American Continent given the wind patterns of perceived history. It is an area which has a high rainfall and sunshine ratio thus highly desirable from the high growth rates possible; an attraction also to the forest industry. The mouth of the ahupua'a is a large fault valley 21 miles northeast of Hilo. The emerging valley stream provides an interesting, though disturbed, estuarine area. It is also an area of some local historic interest.

Maulua Nui is a unique addition to the inventory of Nature Conservancy lands nationwide. It provided forest habitat for endangered forest birds of the native passerines and the Hawaiian Hawk, or 'Io.

Land availability is necessary to acquisition. An unwilling seller or an exorbitant price would prevent a transaction from occurring. An additional consideration born from the experience of the Kipahulu, Maui, acquisition of The Nature Conservancy is the desirability of getting firm, total, fee simple title for the monies expended. In this case the title was clearly established by one of the Kingdom of Hawai'i's most astute legal minds. The Nature Conservancy was fortunate in finding an extended family, rapidly changing its priorities, which was anxious to convert their real property into a liquid asset while maintaining the traditional land form of the ahupua'a. Integrating ownership of the ahupua'a with corollary emotional attachments to the family history was a factor also. From this point of view, The Nature Conservancy was the ideal vehicle as economic agricultural lands were not of interest. Continuing revenue and a family memorial of sorts was created while providing the family with some liquidity to assist the changing, and sometimes conflicting, priorities within the extended family.

Remoteness of the property and the conservation zoning made the property suitable for one other use--forestry. Forestry provides a slow financial return, an eight-year harvest cycle in the most ambitious forecast, and is one which has extant political and biological problems given the intensive exotic cultivation intended. A general economic slowdown also encouraged a reasonable price.

Maintenance of the ecosystem at low cost is a point of debate. The issues are feral pigs and people. Feral pigs are an enormous nuisance to the botanical integrity of an area as they are a biological plow complete with seeder. People from a consumer-oriented expendable economy and their transport systems resemble mechanical plows with not-so-degradable littering systems. While remoteness encourages the pigs, it discourages the people, in a qualified sense. Maintenance costs are therefore subjective and are dependent upon the ultimate use or pressure on the land itself.

Problems in acquisition were highly specific occurrences of some generally discussed situations. In the acquisition of Maulua Nui, orchestrating 15 different individuals in three different families through more-or-less uniform sets of legal documents including an Offer to Option, Option, Conservation Easement, Subdivision Applications, waivers for survey, access improvement, and water system; and deeds on the resulting three subdivided parcels (which are subject to reconsolidation); the swap of fractional interests between parcels and family members, plus the negotiation for, acquisition of, another parcel used in barter for a major percentage interest in two of the Maulua parcels, directly involved at least 50 people, excluding the 12 attorneys representing their clients. Needless to say scheduled closing was delayed.

For many reasons The Nature Conservancy needed fee simple title for expenditure of the donors' money. It was necessary therefore to subdivide the property to receive title to a specific area representing the sum of that donation which incidentally carried with it a conservation easement on the boundary. The remainder of the ahupua'a was to be purchased on an "offer-to-option" basis for eventual reintegration of the ahupua'a without unduly extending The Nature Conservancy. To accomplish this, it was necessary to subdivide the property in simultaneous proceedings at State and County level. Each proceeding was contingent upon the other.

Sociological considerations were similarly important. The most immediate reason was to ensure the rapid success of subdivision necessary to the transaction. The other premise was that The Nature Conservancy was to be a long-term member of the Hawaiian community rather than a mainland mentor of local values. Consequently, members of the community closest to the property were informed of the transaction and questions poised were directly and sincerely answered. Community leaders and heads of pertinent special interest groups were similarly informed largely through mutual acquaintances.

The Nature Conservancy is a private organization working with private landowners. Many other organizations also acquire Natural Areas with a view to preserving these. In a small geographical area such as Hawai'i, where competing interests vie with intensity, the size and necessity of natural area acquisition will become an ever increasing question. The question of redundancy appears valid to the layman. The response to the criticism is complicated by the explanation of island by island variations of biota, varying State of Hawaii and Federal Government (Department of Interior, National Parks, Fish & Wildlife Service, U. S. Forest Service, Department of Agriculture) acquisition criteria and responsibilities. Currently these considerations are handled within the community on a consensus basis. The quality of information in each agency's decision-making process varies. The need for similarly evaluated information and standard criteria is apparent. Some areas designated as "Natural Areas" may be too large, too small, or repetitive in maintaining specific ecosystems. Some land may have been designated a natural area about which no one knows anything specific that will prove useful to comparative analysis.

The solution is for specific information of uniform criteria for the entire State of Hawaii to be housed in a single location by type of ecosystem, and by specific location. The Nature Conservancy pioneered the rationalization of such information and has continued to encourage State and Federal governments to introduce this type of information system so that planning departments of highways and other civil works projects can avoid impact on sensitive areas, avoiding the 'snail darter' syndrome and concurrent economic waste, while preserving the remnants of complex ecosystems. Such an information system builds by cataloging the existing information, then begins to fill voids in geographical and biological information through field studies.

Confirmation of existing information validates previously collected information, providing all users firm, dependable "intelligence" which, with one reference location, saves time and enormous frustration.

Additional Natural Area acquisitions will require this type of well-conceived identification and documentation process to enhance the case for acquisition.

The Fish and Wildlife Service of the Department of Interior has already implemented a corollary program through its forest bird survey administered by Mike Scott, and the State of Hawaii has a similar program in its 'Alala (Hawaiian Crow) survey. The Maulua acquisition itself was influenced by information generated in a logical consistent manner by the forest bird survey, as will additional Nature Conservancy acquisitions. A shift to preserving wildlife systems will become the responsibility of The Department of Interior if Senate Bill 1820 or the equivalent House Bill passes during 1978 or 1979. These bills provide for a National Heritage Program, identifying not only flora and fauna, but also within the same information matrix, cultural and prehistoric sites of significance. Each State will be responsible for adhering to the criteria to qualify for Federal funds.

Locally, the State of Hawaii and the County of Hawaii recognize adaptation of their codes to reflect subdivision for non-economic uses may enhance the values which are so frequently sold as Hawai'i. Areas may be left without visible habitation.